

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**October 1, 2001**

**C036622      THOMAS et ux. v. NATIONAL COMMUNICATIONS CONTRACTORS, INC., et al.      (Not for Publication)**

The judgment is affirmed. Thomas shall pay NCC's costs of this appeal.

MORRISON, J.

We concur:    Sims, Acting P.J.  
                 Raye, J.

**C036678      KIRBY v. CLOUGH et al.      (Not for Publication)**

The judgment is affirmed. Clough and Blackman shall recover their costs on appeal. (Rule 26 (a).) Blackman's motion for sanctions for a frivolous appeal is denied.

SIMS, J.

We concur:    Scotland, P.J.  
                 Raye, J.

**October 2, 2001**

**C033363      THE PEOPLE v. THOLMER      (Not for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

We concur:    Raye, J.  
                 Callahan, J.

**C035104      THE PEOPLE v. MESSER      (Not for Publication)**

The judgment is affirmed.

MORRISON, J.

We concur:    Scotland, P.J.  
                 Davis, J.

**C036549      THE PEOPLE v. WILLIAMS      (Not for Publication)**

The judgment is affirmed.

CALLAHAN, J.

We concur:    Scotland, P.J.  
                 Nicholson, J.

**C037938      THE PEOPLE v. ROOTS      (Not for Publication)**

The judgment is affirmed.

BLEASE, Acting P.J.

I concur:       Raye, J.  
I concur in the result:  
                 Sims, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**October 2, 2001, continued**

**C038384      THE PEOPLE v. SPEECH      (Not for Publication)**

Judgment is affirmed.

SCOTLAND, P.J.

We concur: Davis, J.

Nicholson, J.

**C038560      THE PEOPLE v. STRACK      (Not for Publication)**

The judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting that defendant's local conduct credits were awarded pursuant to section 4019, and forward a certified copy of the amended abstract to the Department of Corrections.

SCOTLAND, P.J.

We concur: Raye, J.

Morrison, J.

**C036187      ANDOSCA et ux. v. REISWIG      (Not for Publication)**

The judgment, including attorneys fees, is affirmed. The case is remanded to the trial court with directions to consider a timely motion by Andosca for attorney fees incurred defending the judgment on appeal. Reiswig is to pay Andosca's costs of this appeal.

MORRISON, J.

We concur: Sims, Acting P.J.

Davis, J.

**October 3, 2001**

**C037066      THE PEOPLE v. THOMPSON      (Not for Publication)**

The judgment is affirmed. There is an error in the abstract of judgment. The trial court is directed to amend the abstract to reflect that defendant received 446 days of presentence custody credit (388 days of actual credit plus 58 days of good time credit) and to send an amended abstract to the Department of Corrections.

MORRISON, J.

We concur: Sims, Acting P.J.

Davis, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**October 3, 2001, continued**

**C037666      THE PEOPLE v. ANDRUS      (Not for Publication)**  
The judgment is modified to award 269 days of actual credits and 134 days of conduct credits for a total of 403 days presentence credits and with this modification the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the modification and to forward a copy thereof to the Department of Corrections.  
MORRISON, J.  
We concur:    Sims, Acting P.J.  
                 Davis, J.

**C036163      In re EVAN M.; THE PEOPLE v. EVAN M. (Not for Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We concur:    Scotland, P.J.  
                 Sims, J.

**October 4, 2001**

**C035241      COUNTY OF LASSEN v. SARNI, SR.      (Not for Publication)**  
The order vacating the default judgment is reversed, and the trial court is directed to reinstate the judgment. The parties shall bear their own costs on appeal.  
(Cal. Rules of Court, rule 26(a).)  
SCOTLAND, P.J.  
We concur:    Nicholson, J.  
                 Hull, J.

**C035734      RHODES v. RHODES      (Not for Publication)**  
The judgment is affirmed. Appellant, Jeffery D. Rhodes, and his counsel, Arthur Cooper, shall each pay the sum of \$1,000 to respondent (total \$2,000), as sanctions for a frivolous appeal, within 15 days after the filing of the remittitur. Further, appellant, Jeffery D. Rhodes, and his counsel, Arthur Cooper, shall each pay to the clerk of this court, the sum of \$2,500 as further sanctions for a frivolous appeal (total \$5,000), within 15 days of the filing of the remittitur. (Bach v. County of Butte (1989) 215 Cal.App.3d 294, 312-313; Finnie v. Town of Tiburon (1988) 199 Cal.App.3d 1, 16-18.) Appellant shall also pay respondent's costs on appeal. (Cal. Rules of Court, rule 26(a).)  
SIMS, Acting P.J.  
We concur:    Callahan, J.  
                 Hull, J.

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**October 5, 2001**

We concur:     Sims, Acting P.J.  
                         Hull, J.

We concur:     Sims, Acting P.J.  
                         Hull, J.

Nicholson, Acting P.J.  
Raye, J.  
Callahan, J.